United Nations S/2003/1016

Security Council

Distr.: General
16 October 2003

Original: English

Report of the Secretary-General on the situation concerning Western Sahara

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1495 (2003) of 31 July 2003, by which the Council, recalling all its previous resolutions on Western Sahara and reaffirming in particular its resolution 1429 (2002) of 30 July 2002, extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 31 October 2003. In the same resolution, the Council also requested me to provide a progress report before the end of the mandate. The present report covers developments since my previous report, dated 23 May 2003 (S/2003/565 and Corr.1).

II. Activities of my Personal Envoy

2. Following the adoption of resolution 1495 (2003), the Kingdom of Morocco on 17 September sent a high-level delegation to meet with my Personal Envoy in Houston, United States of America. The delegation included Mohamed Benaissa, Minister for Foreign Affairs and Cooperation, Fouad Ali El Himma, Minister Delegate for Interior, and Mohamed Bennouna, Permanent Representative of the Kingdom of Morocco to the United Nations. During the meeting, my Personal Envoy discussed with the delegation issues pertaining to the peace plan for self-determination of the people of Western Sahara (S/2003/565, annex II). The delegation of Morocco asked for some more time to reflect and consult before giving its final response to the operative paragraphs of resolution 1495 (2003), in particular the second, in which the Council calls upon the parties to work with the United Nations and with each other towards acceptance and implementation of the peace plan.

III. Developments on the ground

A. Special Representative

3. Following the appointment of William Lacy Swing (United States of America) as my new Special Representative for the Democratic Republic of the Congo, on 5 August 2003 I informed the President of the Security Council of my intention to

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appoint Alvaro de Soto (Peru) as my Special Representative for Western Sahara. Mr. de Soto is scheduled to take up this assignment shortly. In the meantime, the Force Commander of MINURSO, Major General György Száraz, has been acting as officer-in-charge of the Mission.

B. Activities of the Identification Commission

4. It will be recalled that in June 2000, pending the resumption of the appeals process, the Identification Commission started consolidating and reviewing files and documents that it had collected between 1993 and 1996 and between 1997 and 2000 during the registration, identification and appeals processes. It also started working concurrently on several background studies and internal quality-control projects. As the Commission has progressively completed these auxiliary activities, its staff has been reduced to adjust to the decreasing workload. As noted in my previous report to the Security Council, the Commission has now completed the scanning, archiving and safe storage of documents and has finalized all studies related to its activities. On 7 October 2003, MINURSO completed the transfer of all sensitive files of the Identification Commission to the United Nations Office at Geneva for safe storage. Hence, for reasons of sound management, the Identification Commission is being further reduced, and its staff is scheduled to be fully withdrawn from the Mission by 31 December 2003. The authorized posts of the Identification Commission will remain budgeted to the end of the current fiscal year, ending on 30 June 2004, and possibly beyond, to permit the Council to reactivate the Commission quickly should it decide to do so.

C. Military aspects

5. Due to seasonal rotations, as at 13 October 2003 the military component of MINURSO stood at 222 United Nations military observers and troops against the authorized strength of 230 (see annex). Under the command of Major General Száraz (Hungary), the component continued to monitor the ceasefire in Western Sahara, which has been in effect since 6 September 1991. The Mission's area of responsibility has remained calm, and there have been no indications on the ground that either side intends to resume hostilities in the near future.

6. During the reporting period, MINURSO ground and air patrols continued to visit and inspect, on both sides of the buffer strip, ground units larger than company size of the Royal Moroccan Army (RMA) and the military forces of the Frente Popular para la Liberación Saguía el-Hamra y del Río de Oro (Frente POLISARIO), in accordance with the ceasefire agreements between MINURSO, on the one hand, and the Royal Moroccan Army and the Frente POLISARIO on the other. Both RMA and Frente POLISARIO military forces have continued to carry out routine maintenance and training activities.

7. The Frente POLISARIO has continued to impose some limitations on the Mission's freedom of movement in areas of the Territory east of the buffer strip. Although the nature of the limitations does not significantly affect the Mission's ability to monitor the situation in those areas, their removal would further facilitate the Mission's ground and air patrolling activities.

8. MINURSO continues to cooperate with the parties on the marking and disposal of mines and unexploded ordnance. During the reporting period, short but torrential rains have exposed many mines and unexploded ordnance devices. In this connection, in the past five months, MINURSO has discovered and marked 56 mines and pieces of unexploded ordnance on both sides of the berm and monitored 31 disposal operations carried out by RMA. On 1 September, a field containing an unspecified number of grenades was also discovered and marked at Bir Lahlou on the eastern side of the berm. Also on 1 September, RMA reported a mine accident resulting in the destruction of a civilian vehicle in the area of Hawza.

9. MINURSO has continued to develop the core capacities necessary to establish a Mine and Unexploded Ordnance Information Management Unit in the Mission that would consolidate data on mines and unexploded ordnance and facilitate any future demining activities. The installation and launching in the Mission of the Information Management System for Mine Action has progressed, and the system should be operational before the end of the year.

D. Civilian police aspects

10. As at 13 October 2003, the strength of the civilian police component of MINURSO stood at 14 officers (see annex), under the command of Inspector General Om Prakash Rathor (India). The component continued to carry out protection duties with regard to files and sensitive materials at the Identification Commission centres in Laayoune and Tindouf. Regarding the transfer of Identification Commission files, civilian police officers monitored the loading of the archives at the Commission's compound at Laayoune and escorted them to the local airport. A civilian police officer was present for each flight to accompany the archives and deliver them to the United Nations Office at Geneva.

11. With the transfer of the Commission's files to the United Nations Office at Geneva, the civilian police component completed its protection duties. Accordingly, the remaining police officers are being withdrawn from the Mission. Like the Identification Commission, the necessary posts will be maintained in the MINURSO budget at least for the current fiscal year in case the component should need to be quickly reconstituted.

E. Prisoners of war, other detainees and unaccounted-for persons

12. On 1 September 2003, the International Committee of the Red Cross (ICRC) repatriated to the Kingdom of Morocco 243 Moroccan prisoners of war who had been released by the Frente POLISARIO on 14 August 2003 in response to a request by a Member State. While welcoming that decision, I would like to reiterate my call to the Frente POLISARIO to expedite the release of all remaining prisoners of war in compliance with international humanitarian law and numerous Security Council resolutions and presidential statements. According to ICRC figures, to date there remain 914 such prisoners, most of whom have been in detention for more than 20 years.

13. Some progress can also be reported concerning the determination of the fate of unaccounted-for persons. From 27 to 29 May, ICRC interviewed four individuals in the Territory who had appeared on a Frente POLISARIO list of unaccounted-for

persons, who were subsequently removed from the list. I would like to reiterate my call upon both the Kingdom of Morocco and the Frente POLISARIO to continue to cooperate with ICRC in accounting for the fate of those who are still missing in the conflict.

F. Western Saharan refugees

14. While the food pipeline for the Western Saharan refugees was relatively stable during the summer months, the World Food Programme (WFP) foresees shortages in basic foodstuffs by December if fresh contributions are not made. Meanwhile, donor interest in the Western Saharan refugee assistance programme has remained relatively low. I would like to call upon the international community to provide to WFP and the United Nations High Commissioner for Refugees the resources necessary to cover the food requirements for the Saharan refugees in the Tindouf camps.

15. It will be recalled that the Office of the United Nations High Commissioner for Refugees (UNHCR) and MINURSO have been promoting with the parties a package of confidence-building measures. As noted in my previous report on Western Sahara, following the formal concurrence in March 2003 of the Frente POLISARIO and Morocco regarding the commencement of limited telephone and personal mail services, UNHCR inaugurated on 15 April 2003 a pilot telephone service between the "27 February" refugee camp and the Territory. However, this programme was suspended by the Frente POLISARIO the following day. In May Morocco reiterated its agreement to start mail service between the Tindouf refugee camps and the Territory, but requested that further technical discussions on modalities for its implementation take place before it was started.

16. Pursuant to Security Council resolution 1495 (2003), in which the Council called upon the parties to collaborate with UNHCR in the implementation of confidence-building measures, a UNHCR delegation, accompanied by a representative of MINURSO, visited Rabat, Algiers and Tindouf from 2 to 5 October for technical-level discussions, particularly in regard to mail and telephone service. During discussions in Rabat on 2 and 3 October, the Moroccan authorities stated that, as a matter of sovereignty, the Moroccan postal service would need to be involved in handling mail in the Territory. In this connection, it is recalled that the original plan envisaged that the mail would be collected and distributed by UNHCR. In response to the Moroccan proposal, UNHCR noted that if the United Nations were to be involved in the mail service, it would require unhindered access to beneficiaries on both sides and would need to be assured of the confidentiality of the mail and neutrality with respect to its delivery. In this connection, and in order to facilitate the matter, Morocco proposed that a direct mail service be established between the Moroccan and Algerian national postal services.

17. During discussions in Algiers on 4 October, UNHCR conveyed the Moroccan position on the mail service and reminded Algeria that it was still awaiting its formal concurrence, as the country of asylum, for the resumption of the UNHCR-operated telephone service between the refugee camps and the Territory. While undertaking to provide its response shortly, Algeria reiterated its earlier position that what was acceptable to Saharan representatives would be acceptable to Algeria, within the limits of its responsibilities as the country of asylum. In response to the

reiteration by UNHCR of the need to update the registration of Saharan refugees, Algeria expressed the view that the current figure of 165,000 refugees should continue to be used.

18. In its discussions with the UNHCR delegation, the Frente POLISARIO expressed its readiness to immediately resume the UNHCR telephone service and to start the mail service under the terms of the UNHCR confidence-building measures. This represents progress in regard to the telephone service, as Morocco has maintained its position to pursue telephone service under the terms of UNHCR confidence-building measures. UNHCR intends to pursue this issue further with the parties with a view to restarting the telephone service as soon as possible. With regard to mail services, UNHCR is awaiting the Algerian response, on the basis of which it will continue to pursue the issue with the parties.

19. The third element of the confidence-building measures, the exchange of family visits, which was the cornerstone activity of the initial UNHCR confidence-building project, was not on the agenda of the UNHCR delegation given the long-standing disagreement between the parties over the selection criteria for the participants in the exchange. In this connection, it is recalled that the Frente POLISARIO had insisted that only those persons whose names appeared on the MINURSO provisional list of voters should be entitled to benefit from the exchange between the Territory and the refugee camps. Morocco maintained, on the other hand, that any person in the refugee camps or in the Territory who had a family member on the other side should be entitled to participate in the exchange, regardless of the list. During its discussions with UNHCR, the Frente POLISARIO indicated that it had changed its view on this issue and was now ready to agree to the immediate exchange of family visits between the Tindouf refugee camps and the Territory, regardless of the concerned individual's status on the list. This is a most welcome step forward, which UNHCR intends to pursue with the parties.

20. It should also be recalled that Mauritania has already agreed to the confidence-building project under the terms proposed by UNHCR and has expressed its readiness to fully support its implementation.

G. Logistical aspects

21. During the reporting period, MINURSO continued the phased implementation of its two-year plan to refurbish worn-out living and working quarters at all 10 MINURSO weather-haven team site camps across the Territory. Three new helicopters adapted to the extreme weather conditions of Western Sahara have been deployed to the mission area to replace the Mission's previous helicopter assets. In addition, 100 new Nissan patrol vehicles, which are needed to replace the old patrol vehicles, are scheduled for deployment to the Mission area in the near future.

H. African Union

22. During the reporting period, the African Union observer delegation to MINURSO, led by its Senior Representative, Ambassador Yilma Tadesse (Ethiopia), continued to provide valuable support and cooperation to the Mission. I wish to reiterate my sincere appreciation for this contribution.

IV. Financial aspects

23. The General Assembly, by its resolution 57/331 of 18 June 2003, appropriated the amount of $41,529,500 gross for the maintenance of MINURSO for the period from 1 July 2003 to 30 June 2004. From its inception on 29 April 1991 until 31 August 2003, the total costs of maintaining MINURSO amounted to some $511.4 million.

24. As at 31 August 2003, unpaid assessed contributions to the Special Account for MINURSO amounted to $48.7 million. Total outstanding assessed contributions for all peacekeeping operations amounted to $1,494.9 million.

V. Observations and recommendations

25. The release on 1 September of 243 Moroccan prisoners of war, the clarification of the fate of four previously unaccounted-for persons and the recent agreements in regard to the implementation of confidence-building measures are steps towards fostering a positive atmosphere between the parties, and I congratulate the parties on those steps. At the same time, I call upon the Frente POLISARIO to ensure the immediate release of the remaining 914 prisoners of war, some of whom have been in detention for more than 20 years, and I also call upon Morocco to ensure the clarification of the status of remaining unaccounted-for individuals. I call upon both parties to proceed without further delay to implement the confidence-building measures referred to in paragraphs 15 to 20 above. These are basic humanitarian actions, which will significantly improve the lives of the Saharan people. In addition, I appeal to the international community to provide generous support to UNHCR and WFP in order that they may meet the needs of the Saharan refugees.

26. As the members of the Security Council will recall, the Frente POLISARIO and the Kingdom of Morocco informed me officially on 8 and 10 March 2003 respectively of their objections in regard to the peace plan for self-determination of the people of Western Sahara, which was presented to them by my Personal Envoy in January. However, by its letter of 6 July, the Frente POLISARIO officially accepted the plan as presented to it. The most significant objection of the Kingdom of Morocco to the plan seemed to be that in the referendum to determine the final status of Western Sahara, one of the two ballot choices, which reflected those previously agreed to by the parties in the settlement plan (S/21360), was independence. The other ballot choice was for integration into the Kingdom of Morocco. The Council will also recall that in early July, an adjusted text of the peace plan was circulated to the parties and the neighbouring States that added a third ballot choice providing for continuation of the division of authority set out in article III of the peace plan; in other words, self-government or autonomy. While the plan was thus adjusted to address the concerns of the Kingdom of Morocco and despite further consultations with my Personal Envoy in Houston on 17 September, Morocco has thus far not relinquished its opposition to the peace plan.

27. The peace plan represents a fair and balanced approach to the question of Western Sahara, providing each side some, but perhaps not all, of what it wants. As I have repeatedly stressed to the parties, should they not be prepared to make the compromises necessary to reach a successful outcome to the conflict and to agree on an approach for a political solution, this latest initiative is likely to suffer the same

fate as earlier ones. The acceptance of the peace plan by the Frente POLISARIO now offers a window of opportunity for solving the long-standing dispute. I urge Morocco to seize the opportunity and positively engage in the process by accepting and implementing the plan.

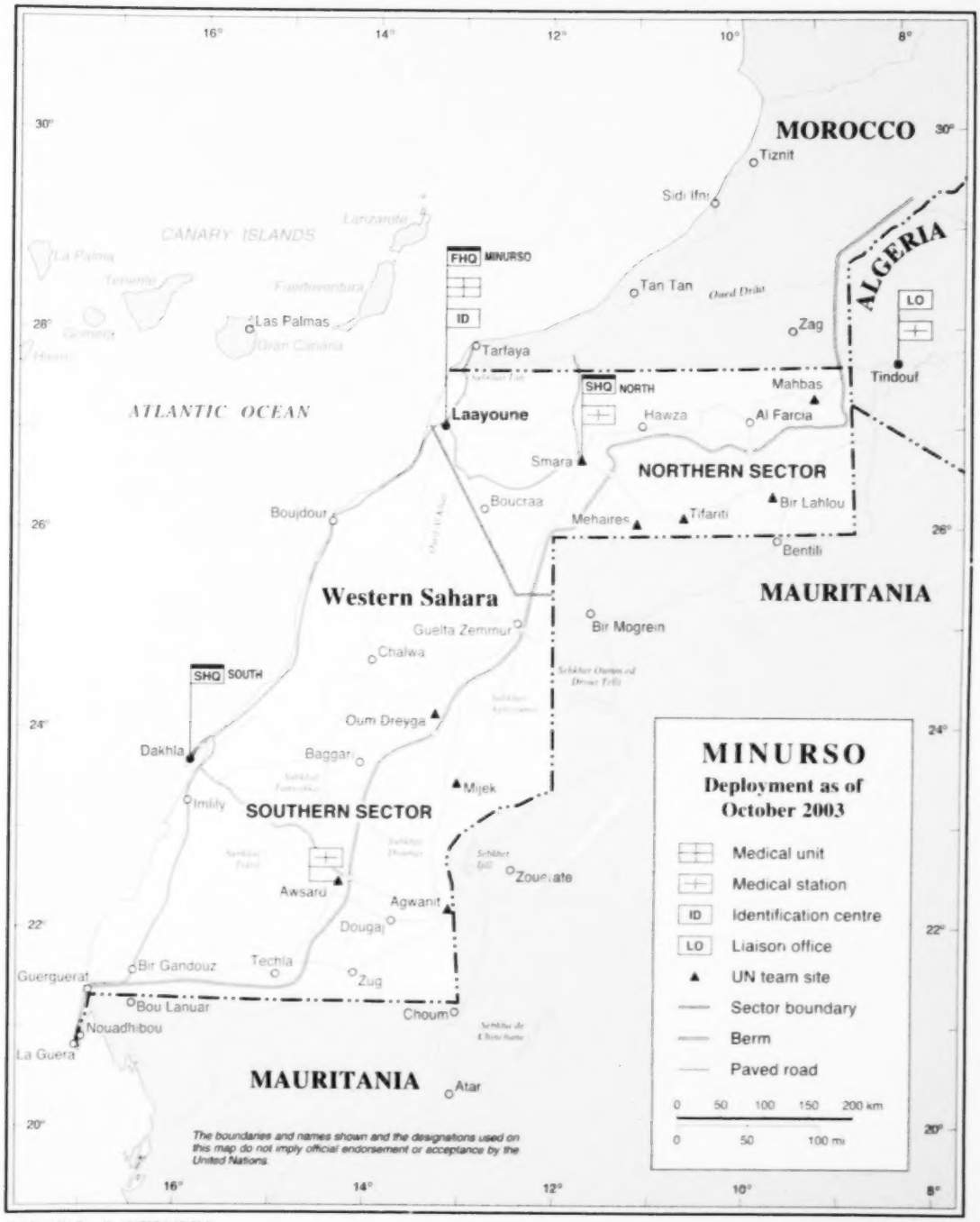
28. In this context, following the discussion my Personal Envoy had with the delegation of Morocco on 17 September, he recommended that I accede to Morocco's request to give it more time to reflect and consult before giving its final response by extending the mandate of MINURSO. I have agreed to the recommendation and hope to receive Morocco's response to resolution 1495 (2003) before the end of the calendar year, I also recommend that the mandate of MINURSO be extended for three months, until 31 January 2004. It is my sincere hope that by that time, the Kingdom of Morocco will be in a position to engage positively in implementing the plan. If not, I will revert to the Security Council in January with my views on the future of the peace process in Western Sahara, as well as on the mandate of MINURSO.

Annex

Contributions to the United Nations Mission for the Referendum in Western Sahara as at 13 October 2003

	Military observers[a]	*Force Commander*	*Troops*	*Civilian police*[b]	*Total*
Argentina	1				1
Austria	2				2
Bangladesh	8				8
China	19				19
Croatia	2				2
Egypt	19				19
El Salvador	5				5
France	25				25
Ghana	9		7	2	18
Greece	1				1
Guinea	4				4
Honduras	12				12
Hungary	7	1			8
Ireland	4				4
India				2	2
Italy	5				5
Jordan				1	1
Kenya	10				10
Malaysia	14				14
Mongolia	3				3
Nigeria	8			1	9
Norway					0
Pakistan	7			2	9
Poland	1				1
Portugal				2	2
Republic of Korea			20		20
Russian Federation	25				25
Senegal				3	3
Sri Lanka	2				2
Sweden				1	1
Uruguay	6				6
Total	**199**	**1**	**27**	**14**	**241**

[a] Authorized strength is 203.
[b] Authorized strength is 81.



Map No. 3691 Rev. 42 UNITED NATIONS
October 2003

Department of Public Information
Cartographic Section

United Nations S/2003/1017

Security Council

Distr.: General
17 October 2003
English
Original: French

Letter dated 16 October 2003 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

Acting on instructions from my Government, I regret to inform you that there are indications that Rwanda might be attempting to renew the fighting.

On 14 October 2003, citing false pretexts, including the old story about alleged assistance from the Government of the Democratic Republic of the Congo to Former Rwandan Government Forces (ex-FAR) and Interahamwe, Mr. Charles Murigande, Minister for Foreign Affairs of Rwanda, warned solemnly of a generalized resumption of hostilities in the Democratic Republic of the Congo should, as he put it, Kigali feel "threatened".

On 16 October, the armed forces of the Rwandan Government which never withdrew from the territory of the Democratic Republic of the Congo, began — this has been and can be verified — to assemble their troops in the province of North Kivu, more specifically, in and around Rutshuru.

The Rwandan authorities have once again demonstrated how little heed they pay to Security Council resolutions and to the beneficial action undertaken on site by the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) with a view to restoring peace in the region.

The Government of the Democratic Republic of the Congo has spared no effort to extricate the country from the conflict — as pointless as it is insane — imposed on it by Rwanda and two other neighbouring countries and it does not want to see a further escalation. It has no interest whatsoever in the prospect of having fighting flare up again.

The Government of the Democratic Republic of the Congo believes that it is high time to put an end to the constant suffering of the people of the Congo and of the Great Lakes region and to restore order, peace and stability in that part of Africa which has suffered from instability for going on a dozen years now.

The Government of the Democratic Republic of the Congo urges the Security Council, the United Nations organ that has primary responsibility for the maintenance of international peace and security, to shoulder its responsibilities fully and to take whatever steps it deems helpful and necessary in order to dampen the Kigali regime's enthusiasm for war by applying the measures provided for under Chapter VII of the United Nations Charter against the leaders of that regime.

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In so doing, the Council should make sure that it does not take any measure that would hurt the people of Rwanda, who are our brothers, but only their leaders.

In addition, in order to stabilize the situation and spare the people of the provinces of North and South Kivu the agony and consequences of a possible resumption of hostilities with Rwanda, the Government of the Democratic Republic of the Congo believes that the Security Council and the Secretary-General of the United Nations should step up the deployment of MONUC to cover the area between Lake Albert and Lake Tanganyika.

Lastly, my Government urges the Security Council to help the Rwandan authorities so that they do not become the sole obstacle to the peace process in the region.

I should be grateful if you could have this letter circulated as a document of the Security Council.

(*Signed*) Atoki **Ileka**
Ambassador
Permanent Representative